

07 EXECUTIVE DEPARTMENT

105 STATE PLANNING OFFICE

Chapter 202: COMPREHENSIVE PLAN REVIEW CRITERIA RULE

SUMMARY: This chapter establishes the criteria the Office of Comprehensive Planning uses to review municipal comprehensive plans for consistency with the goals and guidelines of the Comprehensive Planning and Land Use Regulation Act (30-A MRSA §4311 et seq.). The Office uses this rule to review and comment on proposed comprehensive plans under §4343, sub-§2 of the Act, and to review the plan component of local growth management programs for which certification has been requested under §4343, sub-§5.

SECTION 1. PURPOSE.

A. PURPOSE

The primary purpose of this rule is to establish the criteria the office of Comprehensive Planning uses to review comprehensive plans developed by municipalities under the Comprehensive Planning and Land Use Regulation Act (30-A MRSA §4311 et seq.). The objective of this review is to judge whether a municipality's comprehensive plan is consistent with the goals and guidelines of the Act. The Office uses this rule to review and comment on proposed comprehensive plans submitted to the Office pursuant to the procedural rule in Chapter 201. If a municipality requests certification of its local growth management program under §4343, sub-§5 of the Act, the Office also uses this rule to review the plan component of that program.

B. PRINCIPLES,

The criteria contained in this rule are based on the following principles:

1. Maine municipalities are diverse in terms of their size, goals, problems, issues, planning experience, and planning resources. They are likely to produce a diversity of plans. The criteria should be flexible enough and general enough to accommodate that diversity. The Office's review of comprehensive plans should be predictable and consistent. The criteria should be certain enough and detailed enough to provide this predictability and consistency.
2. The criteria should call for a municipality's comprehensive plan to address each of the Act's State goals. The exception is if the plan's

inventory and analysis clearly shows that promotion of a particular State goal is clearly inapplicable to the municipality. A plan need not address each applicable State goal to the same degree. But the degree to which, the plan addresses a State goal should reflect the degree of the municipality's problems in attaining the goal and the priority given the goal by the municipality.

3. The criteria should not emphasize a need for technical detail. Nor should they question the local priorities shown in the plan. They should rather focus on the substance of the plan and whether or not the plan reflects a rational planning process. A rational planning process is one in which a municipality 1) collects and analyzes information to identify and define what problems and issues exist in regard to State and local goals and State Coastal Management Policies, 2) develops policies to address those problems and issues, and 3) develops strategies to implement the developed policies.
4. The criteria should call for a level of inventory, analysis, policy development, and implementation strategy development that is within the reasonable capacity of any municipality.
5. The primary purpose of the rule is to help the Office of Comprehensive Planning review comprehensive plans in a consistent manner. But the Office recognizes that municipal planning officials may also use the criteria to guide their preparation of comprehensive plans. This rule, therefore, should have a format and style that allows the average Maine citizen to understand what the Office considers to be a "consistent" plan.
6. The rule sets forth the fundamental elements of a written plan, which is the end product of a planning process. It should not be used as a guide to the dynamic process of comprehensive planning. Municipalities should obtain guidance on how to develop a comprehensive plan from publications and advice from the Office of Comprehensive Planning, regional councils, and professional planners.

C. CRITERIA NOT LIMITING

This rule's criteria are based on the Act's goals and substantive guidelines. They are not intended to prohibit or discourage a municipality from developing a comprehensive plan that is more specific or detailed, or that covers more subject areas, than called for by the review criteria.

SECTION 2. DEFINITIONS.

The following definitions shall apply When interpreting the provisions in this chapter:

- A. Act: "Act" means the Comprehensive Planning and land Use Regulations Act (30-A MRSA §4311 et seq.).
- B. Affordable housing: "Affordable housing" means the same as defined in Chapter 100 of Department of Economic and Community Development Rules ("Affordable Housing Definition Rule")

Note: Chapter 100 of Department of Economic and Community Development Rules defines "affordable housing" as "decent, safe, and sanitary living accommodations that are affordable to lower income households and moderate income households, in accord with the following provisions.

- A. An owner-occupied housing unit is "affordable" to a household if the unit's expected sales price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, real estate taxes, and basic utility and energy costs) that do not exceed 28% to 33% of the household's gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to lower and moderate income households.
- B. A renter-occupied housing unit is "affordable" to a household if the unit's monthly housing costs (including rent and basic utility and energy costs) do not exceed 30% of the household's gross monthly income.
- C. A "Lower income household" is a household with a gross income less than or equal to 80% of the applicable MSA/County median income. Lower income households include both very low income households and two income household. A "very low income household" is a household with a gross income less than or equal to 50% of the applicable MSA/County median income. A "Low income household" is a household with a gross income over 50%, but Less than or equal to 80%, of the applicable MSA/County median income.

- D. A "moderate income household" is a household with a gross income over 80%, but less than or equal to 150%, of the applicable MSA/County median income.
- E. The "applicable MSA/County median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for the federally-designated Metropolitan Statistical Area (MSA) or County (non-MSA part) in which the housing unit is located.,, Where appropriate to use of this definition, median family income may be adjusted for family size.
- F. A household's "gross income" includes the income of all household members from all sources.]
- C. Coastal municipality: "Coastal municipality" means any municipality that contains or abuts tidal waters.
- D. Comprehensive plan: "Comprehensive plan" means a document or interrelated documents developed by a municipality in accord with the procedural provisions of §4324 of the Act and with the intent of complying with the substantive requirements of §4326, sub-§1 to sub-§4 of the Act.
- E. Heritage Coastal Area: "Heritage Coastal Areas" means any area listed as a Heritage Coastal Area pursuant to 5 M.R.S.A. §3316.
- F. Historic and archeological resource: "Historic and archeological resource" means any prehistoric or historic district, site, building, structure, or object that is significant in American history, architecture, engineering, archeology, and culture, including artifacts and remains that are related to such a district, site, building, structure, or object.

A district, site, building, structure, or object is significant if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- 1. is associated with events that have made a significant contribution to the broad patterns of national, state, regional, or local history; or
- 2. is associated with the lives of persons significant in the past; or
- 3. embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity (even if its components lack individual distinction); or

4. has yielded, or may be likely to yield, information important in prehistory or history.
- G. Planning period: "Planning period" means the future period of time covered by a comprehensive plan - that is, the future time period for which the plan estimates future conditions and needs and sets forth policies to address those future conditions and needs. A comprehensive plan's planning period must extend to at least 10 years after the plan's anticipated adoption.
- H. Region: "Region," in relation to a particular municipality, means any of the following:
1. a regional planning and development district or subdistrict designated under 30 MRSA, Subchapter II, within which the municipality is located; or
 2. any subarea of the state or of a regional planning and development district that includes the municipality and that defines
 - a. a geographical or ecological system (such as a river or lake basin, air shed, coastal area, etc.) or
 - b. an area of functional interdependence (such as a labor market area, housing market area, commuter shed, etc.) or
 - c. a non-municipal governmental jurisdiction (such as a county); or
 3. any subarea of a regional planning and development district or subdistrict, or of such contiguous districts or subdistricts, that includes the municipality and at least those contiguous municipalities located within the district or subdistrict, or within the contiguous districts or subdistricts.
- I. Sand dunes: "Sand dunes" means "coastal sand dune systems," as defined in the Natural Resources Protection Act (38 MRSA §480-B, sub-§1).

Note: The Natural Resources Protection Act (38 MRSA §480-B, sub-§1) defines "coastal sand dune systems" as "sand deposits within a marine beach system, including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes and other sand areas deposited by wave or wind action. Coastal sand dunes may extend into the coastal wetlands.")

- J. Significant wildlife habitat: "Significant wildlife and fisheries habitat" means any of the following:
1. habitat for animal species appearing on official State or federal lists of endangered or threatened species;
 2. high and moderate value deer wintering areas and travel corridors, as defined by the Department of Inland Fisheries and Wildlife;
 3. high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife;
 4. critical spawning and nursery areas for Atlantic sea run salmon, as defined by the Atlantic Sea Run Salmon Commission; and
 5. shorebird nesting, feeding, and staging areas, and seabird nesting islands, as defined by the Department of Inland Fisheries and Wildlife.
- K. Unique natural areas: "Unique natural areas" may include any of the following:
1. areas registered as a Critical Area pursuant to 5 M.R.S.A. §3314;
 2. areas designated as a National Natural landmark pursuant to the National Park Service's National Natural Landmark Program;
 3. occurrences of endangered, threatened, or rare plants, animals, and natural communities identified by the Maine Natural Heritage program; and
 4. "fragile mountain areas", as defined in the Natural Resources Protection Act (38 M.R.S.A. §480-B, sub-§3).
- Note: The Natural Resources Protection Act (38 M.R.S.A. §480-B, sub-§3) defines "fragile mountain areas" as "areas above 2,700 feet in elevation from mean sea Level."]
- L. Water-dependent uses: "Water dependent uses" means "functionally water-dependent uses," as defined in the State's shoreland zoning law (38 M.R.S.A. §436-A, sub-§6).

Note: The State's shoreland zoning law (38 M.R.S.A. §436-A, sub-§6) defines "functionally water-dependent uses" as "those uses that require, for their primary purpose, location on submerged lands or

that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters."

M. Wetlands: "Wetlands" means any coastal wetlands or freshwater wetlands as defined below:

1. Coastal wetlands include any of the following:
 - a. all tidal and subtidal lands, including all areas below any identifiable debris line left by tidal action;
 - b. all lands containing vegetation that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and
 - c. any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the maximum spring tide level identified in tide tables published by National Ocean Services.
2. Freshwater wetlands include freshwater swamps, marshes, bogs, and similar areas (other than areas considered part of a great pond, coastal wetland, river, stream, or brook) that are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above defining criteria.

SECTION 3. INVENTORY AND ANALYSIS.

A. THRESHOLD APPROACH

The more information and analysis a plan contains, the better it can support its findings and its choices of policies and implementation strategies. Municipalities, however, should not spend an inordinate

amount of time and resources on a plan's inventory at the expense of adequately analyzing inventoried information and developing the plan's policies and implementation strategies. Recognizing these limits, this rule uses a two-stage threshold approach to defining how much inventory and analysis a plan must contain.

First - For each topic raised by the State goals or the Act's requirements, a plan must contain enough background information and analysis to show whether or not there will be a problem or need relating to the topic during the planning period.

Second - If a plan's first-stage threshold inventory and analysis shows that there will be a problem or need relating to a particular topic, the plan must contain enough information and analysis to justify the particular policies and implementation strategies chosen to address the problem or need.

B. APPLICABILITY OF FIRST-STAGE INVENTORY AND ANALYSIS CRITERIA

The first-stage threshold inventory and analysis criteria contained in Subsection C are based on the scope and detail of information generally available to most Maine municipalities, or within the capacity of most Maine municipalities to generate. There may be instances, however, where a criterion calls for information that is not available to a municipality and where the municipality cannot be reasonably expected to have generated the information. In such instances, the criterion shall not apply to the review of the municipality's comprehensive plan.

The threshold inventory and analysis criteria do not necessarily require the collection of numerical data or the statistical analysis of inventory information. Unless numerical data or statistical analysis is specifically called for, a plan may contain general observational information and reasoned analysis.

C. FIRST-STAGE THRESHOLD INVENTORY AND ANALYSIS

This subsection contains the first-stage threshold inventory and analysis criteria applicable to each topic raised by the State goals or the Act's requirements. The Appendix to this chapter lists the types of information that a plan would typically need to provide the level of inventory called for by these criteria. To the extent applicable (see Subsection B above), every plan must contain the information and analysis called for by the following criteria:

1. Population: The plan must demonstrate an understanding of the municipality's population characteristics - that is, it must:

- a. profile the municipality's and region's populations in terms of those population and household characteristics most significant in describing the municipality's character and in influencing future demands for housing, land, and community facilities and services;
 - b. identify and understand important changes in those characteristics and how they might reflect the characteristics of future populations;
 - c. identify and understand how the municipality's population characteristics and changes in population relate to those for the region; and
 - d. identify and understand the size and significant characteristics of the municipality's and region's populations ten years into the future.
2. Economy: The plan must demonstrate an understanding of the municipality's economic characteristics - that is, it must:
 - a. profile the municipality's and region's economies in terms of significant employment characteristics and commercial and industrial activity;
 - b. identify and understand important changes in those characteristics and activity, and how they might reflect future economic conditions;
 - c. identify and understand the municipality's dependence on the regional economy for employment and economic vitality; and
 - d. identify those businesses and sectors of the municipal and regional economy most important to the municipality's employment and economic vitality, and describe the outlook for their growth or decline over the next 10 years.
3. Housing: The plan must demonstrate an understanding of the municipality's housing characteristics - that is, it must:
 - a. profile the municipality's and region's housing stocks in terms of their size and significant characteristics;

- b. describe the affordability of the municipality's housing stock for very low income, low income, and moderate income households;
 - c. identify and understand important changes in those housing characteristics and how they might reflect the size and characteristics of future housing demands;
 - d. identify and understand how the municipality's housing stock and housing stock changes relate to the region's housing stock and housing demand; and
 - e. predict the size, characteristics, and affordability of new and rehabilitated housing needed to meet the housing demands of the projected future population, and whether the local housing market will meet the predicted housing needs.
- 4. Transportation: The plan must demonstrate an understanding of the municipality's transportation systems - that is, it must:
 - a. identify and profile the municipality's roadway and transportation systems in terms of their extent, capacity, and use;
 - b. assess the adequacy of those systems in handling current use demands;
 - c. predict whether transportation improvements will be needed to adequately accommodate the use demands generated by projected increases in population and development within the municipality and region;
 - d. describe the municipality's major public parking facilities and assess whether improvements will be needed to adequately accommodate the needs of the projected population and economy; and
 - e. estimate the general costs of providing the needed transportation system and parking facility improvements.
- 5. Public Facilities and Services: The plan must demonstrate an understanding of the municipality's public facility and service systems that is, it must:
 - a. identify and profile the municipality's public facility and service systems in terms of their extent, capacity, and use;

- b. assess the adequacy of those systems in handling current use demands;
 - c. predict whether public facility or service system additions and improvements will be needed to adequately accommodate the use demands of the projected population; and
 - d. estimate the general costs of providing the needed public facility and service system additions and improvements.
- 6. Recreation: The plan must demonstrate an understanding of the municipality's recreation opportunities - that is, it must:
 - a. identify and profile the municipality's major public recreation areas and facilities, major private open space areas and facilities used for public recreation, and public access points to surface waters, in terms of their characteristics and use;
 - b. assess the adequacy of those recreation areas and facilities, and public access points, in handling current use demands;
 - c. predict whether additional recreation areas, recreation facility improvements, and public access points will be needed to adequately accommodate the use demands of the projected population
 - d. predict whether the availability of major private open space areas for public recreation use will be threatened by the impacts of growth and development; and
 - e. estimate the general costs of providing the needed recreation area and facility additions and improvements.
- 7. Marine Resources Industry: The plan must demonstrate an understanding of the municipality's marine resources and its marine resource industries that is, it must:
 - a. identify and profile the municipality's marine resource areas, harbors, and water-dependent uses in their accessibility, use, and importance to the municipality's and region's economy;
 - b. assess the adequacy of existing harbor basins, facilities, and public access points to handle current use demands;

- c. predict whether harbor improvements will be needed to adequately accommodate the use demands of the projected population;
 - d. predict whether the viability or productivity of marine resource areas, or the viability of commercial fishing and other important water-dependent uses will be threatened by the impacts of growth and development;
 - e. assess the effectiveness of existing measures to protect and preserve marine resource areas and important water-dependent uses; and
 - f. estimate the general costs of providing the needed harbor improvements.
8. Water Resources: Use plan must demonstrate an understanding of the municipality's water resources - that is, it must:
- a. identify and profile the municipality's significant water resources in terms of their characteristics, uses, quantity, and quality;
 - b. predict whether the quantity or quality of significant water resources will be threatened by the impacts of future growth and development; and
 - c. assess the effectiveness of existing measures to protect and preserve significant water resources.
9. Critical Natural Resources: The plan must demonstrate an understanding of the municipality's other critical natural resources - that is, it must:
- a. identify and profile the municipality's critical natural resources (such as wetlands, wildlife and fisheries habitats, significant plant habitats, coastal islands, sand dunes, shorelands, Heritage Coastal Areas, scenic areas and vistas, and unique natural areas) in terms of their extent, characteristics, and significance;
 - b. predict whether the existence, -physical integrity, or quality of critical natural resources will be threatened by the impacts of future growth and development; and

- c. assess the effectiveness of existing measures to protect and preserve critical natural resources.
- 10. Agricultural and Forest Resources: The plan must demonstrate an understanding of the municipality's agricultural and forest resources that is, it must:
 - a. identify and profile the municipality's commercial farmlands and forest lands in terms of their extent, characteristics, and importance to the municipality's and region's economy and rural character;
 - b. predict whether the viability of important commercial farmlands and forest lands will be threatened by the impacts of future growth and development; and
 - c. assess the effectiveness of existing measures to protect and preserve important commercial farmlands and forest lands.
- 11. Historic and Archeological Resources: The plan must demonstrate an understanding of the municipality's historic and archeological resources - that is, it must:
 - a. outline the municipality's history;
 - b. identify and profile the municipality's significant historic and archeological resources in terms of their type and significance;
 - c. predict whether the existence or physical integrity of those historic and archeological resources will be threatened by the impacts of future growth and development; and
 - d. assess the effectiveness of existing measures to protect and preserve significant historic and archeological resources.
- 12. Land Use: The plan must demonstrate an understanding of the municipality's patterns of land use and the suitability of land areas for different land uses in the future - that is, it must:
 - a. identify and understand the uses of land throughout the municipality in terms of the amounts and location of land generally devoted to various land use classifications;

- b. identify and understand changes in the municipality's land use patterns and how they might reflect future land use patterns; and
 - c. identify land areas suitable and unsuitable for the growth and development predicted for the next ten years.
- 13. Fiscal Capacity: The plan must demonstrate an understanding of the municipality's capacity to pay for its share of whatever is needed to address problems and needs raised by the inventory and analysis - that is, it must:
 - a. identify and understand the municipality's fiscal condition;
 - b. identify and understand recent changes in the municipality's fiscal condition and how they might reflect the municipality's future fiscal condition;
 - c. predict the amounts of the municipality's revenues, expenditures, and debts for the next ten years; and
 - d. assess the municipality's fiscal capacity to finance capital expenditures during the next ten years.

SECTION 4. INTEGRATION OF INVENTORY AND ANALYSIS.

The plan must identify the most significant conclusions reached about the various problems and needs raised and defined in the first and second stages of inventory and analysis. The plan must also compare the implications of the various conclusions - that is, how they might conflict with, complement, or otherwise interrelate to each other.

Because of time and resource limitations, a plan's inventory and analysis of a particular topic may not be enough to justify policies and implementation strategies as comprehensive as the municipality would like to have in its plan.]If the municipality wishes to include such comprehensive policies and strategies in a future update of the plan, the plan must identify whatever further study would be needed to make the inventory and analysis sufficient to justify the desired policies and implementation strategies.

The plan must, either in its inventory and analysis or in a separate "regional coordination program" (as referred to in 30-A MRSA §4326, sub-§4), identify those natural resources and those transportation, public service, and other facilities the municipality shares with other municipalities (e.g., lakes, rivers, shorelines, aquifers, estuaries, wetlands, ports and harbors, transportation

systems and corridors, water and sewage treatment facilities, waste disposal facilities, schools, recreation areas).

SECTION 5. POLICIES.

A policy is what a municipality will do to achieve a goal; an implementation strategy is how and when the municipality will carry out the policy.

The plan must include policies that, when taken together, represent a coordinated approach to addressing all problems and needs raised and defined by the inventory, and analysis. The policies must address the identified problems and needs in a way that furthers the achievement of the State goals identified in Subsection A and, where applicable, the Coastal Management Policies identified in Subsection B.

A. STATE GOALS

The policies must specify what approaches the municipality will take to address the following State goals:

1. to encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services, and preventing development sprawl.
2. to plan for, finance, and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;
3. to promote an economic climate that increases job opportunities and overall economic well-being;
4. to encourage and promote affordable, decent housing opportunities for all Maine citizens;
5. to protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas;
6. to protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas;
7. to protect the State's marine resources industry, ports, and harbors from incompatible development, and to promote access to the share for commercial fishermen and the public;

8. to safeguard the State's agricultural and forest resources from development that threatens those resources;
9. to preserve the State's historic and archeological resources; and
10. to promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

B. STATE COASTAL MANAGEMENT POLICIES

If the municipality is a coastal community, the policies must also specify what approaches the municipality will take to address the following State Coastal Management Policies:

1. to promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation, and recreation;
2. to manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters, and to enhance the economic -value of the State's renewable marine resources;
3. to support shoreline development that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline, and that considers the cumulative effects of development on coastal resources;
4. to discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides, or sea-level rise, it is hazardous to human health and safety;
5. to encourage and support cooperative state and municipal management of coastal resources;
6. to protect and manage critical habitats and natural areas of state and national significance, and to maintain the scenic beauty and character of the coast, even in-areas where development occurs;
7. to expand the opportunities for outdoor recreation, and to encourage appropriate coastal tourist activities and development;

8. to restore and maintain the quality of our fresh, marine, and estuarine waters to allow for the broadest possible diversity of public and private uses; and
9. to restore and maintain coastal air quality to protect the health of citizens and visitors, and to protect enjoyment of the natural beauty and maritime character of the Maine coast.

C. OTHER POLICY CRITERIA

The policies must be supported by the findings of the inventory and analysis section. They must also be focused enough to lead to the development of specific implementation strategies.

The policies must be detailed enough to provide specific and measurable targets for addressing identified problems and needs and achieving stated goals. They must also be realistic, given fiscal, administrative, and political constraints.

The plan must identify how its policies regarding one State goal are likely to conflict with policies regarding the other State goals. It must also address how the municipality intends to resolve these conflicts.

The plan must identify how its policies are likely to conflict with established regional policies. It must also address how the municipality intends to resolve these conflicts.

The plan must, either in its policies section or in a separate "regional coordination program" (as referred to in 30-A MRSA §4326, sub-§4), identify those policies directly pertaining to resources and facilities the municipality shares with other municipalities, and identify how such policies are likely to affect the other municipalities' management of the shared resources and facilities. Where feasible, the plan's policies pertaining to shared resources and facilities must be consistent with those of the sharing municipalities. Otherwise, the plan's policies section or "regional coordination program" must include policies that specify what approaches the municipality will take to coordinate its management of shared resources and facilities with that of the sharing municipalities. Any such coordination policies must be consistent with any corresponding coordination policies of the sharing municipalities.

SECTION 6. LAND USE PLAN/DESIGNATION OF GROWTH AND RURAL AREAS.

A. LAND USE PLAN

The plan must include a land use plan that divides the municipality into basic geographical areas for the purpose of applying the plan's various policies and implementation strategies. The land use plan must include one or more plans or maps that designate and show general land use classifications. It must also include a narrative that states the rationale for the designations of land use classifications and generally describes the character of development intended to be included within each classification. The narrative must also estimate the amount of land area needed to accommodate the predicted future growth and development in housing, commercial and industrial development, transportation systems, public facility and service systems, recreation areas and facilities, and harbor facilities and water-dependent uses, and must assess whether the municipality has enough land area suitable for development or redevelopment to accommodate the predicted land area needs.

The land use plan must include a "growth area" classification or a combination of land use classifications that constitutes a "growth area" that is consistent with the provisions in Subsection B below. The land use plan must also include a "rural area" classification - or a combination of land use classifications that constitutes a "rural area" - that is consistent with the provisions in Subsection C below. The land use plan may also include additional general classifications for purposes other than those provided for growth areas and rural areas (such as a transitional or future growth area that designates areas intended to become growth areas at some time beyond the planning period, a conservation or resource protection area intended to provide for the effective long-term management and protection of significant or irreplaceable natural land areas, etc.).

B. GROWTH AREAS

The land use plan must designate as "growth area" those land areas within the municipality into which the municipality intends to direct the future growth and development planned to occur during the planning period. Use designation of growth areas is intended to ensure that planned growth and development is directed to areas most suitable for such growth and development and away from areas in which growth and development would be incompatible with the protection of rural resources. Land areas designated as "growth area" must be consistent with the following provisions.

1. Growth areas must be limited to land areas within which public facilities and services are efficiently provided or can be efficiently provided during the planning period.

2. Growth areas must be limited to land areas that are physically suitable for development or redevelopment. (Growth areas may include land areas that are physically unsuitable for development or redevelopment if such areas constitute small areas or corridors of land surrounded by growth areas such as a river, stream, floodplain, small natural hazard area, small lake, or small critical natural resource area running through or located in the middle of a growth area.)
3. Growth areas must include enough land area suitable for development or redevelopment to accommodate all growth and development planned to occur during the planning period, based on the plan's policies and implementation strategies.
4. Growth areas must be limited to an amount of land area and a configuration that will encourage compact, efficient development patterns and discourage development sprawl and strip development along roads.
5. Growth areas may not include an unreasonable proportion of the municipality's total land area - that is, growth areas must not include so much land area as to encourage development sprawl or to hinder the efficient provision of public services.

C. RURAL AREAS

The land use plan must designate as "rural area" those land areas within the municipality within which the municipality intends to protect agricultural, forest, scenic areas, and other open space land areas from incompatible development. The designation of rural areas is intended to provide for the long-term protection of resource production and open space and scenic lands from incompatible development. Land areas designated as "rural area" must be consistent with the following provisions.

1. Rural areas must include agricultural and forest lands important to the local or regional economy.
2. Rural areas must include land areas consisting of large areas of contiguous open space, farmland, or forest land. They must include land areas in which the predominant pattern of development is intended to consist of very low intensity development broadly dispersed within what would otherwise be a rural landscape. They must also include land areas containing other rural resources that significantly contribute to the municipality's rural character.

3. Rural areas must include land areas in which the municipality can ensure that the level and type of development will be compatible with maintenance of rural character and will not constitute or encourage development sprawl or strip development along roads.
4. Rural areas may include, but may not be limited to, land areas containing natural resources and scenic open spaces that are intended to be protected.
5. Rural areas may not include land areas in which a significant portion of the municipality's future residential development is planned to occur. Nor may they include land areas in which the municipality plans the occurrence of large-scale or widespread residential development that would alter the municipality's rural character.

SECTION 7. IMPLEMENTATION STRATEGIES.

An implementation strategy is how and when the municipality will carry out a policy; a policy is what a municipality will do to achieve a goal.

The plan must include strategies that, when taken together, represent a coordinated approach to carrying out all of the plan's stated policies.

A. STRATEGIES

Use implementation strategies must specify actions the municipality will take to

1. encourage the siting and construction of affordable housing within the community, comply with State laws regarding the siting and design of mobile homes and mobile home parks, and seek to achieve that 10%, or whatever greater percentage the inventory and analysis identifies as necessary, of the new housing units constructed in the municipality in the 5 years after plan adoption will be affordable housing (see definition of affordable housing in Section 2);
2. ensure the provision of the public services needed to accommodate development projected to occur within designated growth areas;
3. ensure the recognition and preservation of valued historic and archeological resources;

4. encourage the availability of and access to traditional outdoor recreation opportunities, encourage the creation of greenbelts, public parks, trails, and conservation easements, and encourage the protection of undeveloped shoreland valued as access to surface waters;
5. ensure the protection of valued agricultural and forest resources from development that is incompatible with uses related to the agricultural and forestry industries;
6. ensure the preservation of access to coastal waters, including access to related parking facilities, that is needed for commercial fishing, mooring, and docking activities, and discourage new development that is incompatible with uses related to the marine resources industry;
7. protect, maintain, and, Where warranted, improve the quality of water bodies in accordance with the requirements of Maine's Water Classification Program (38 MRSA §464 to §470);
8. ensure that its land use policies and ordinances are consistent with applicable State law regarding critical natural resources;
9. develop a zoning ordinance that reflects the land use classifications, including growth and rural areas, designated on the land use plan;
10. establish regulatory standards and timely permitting procedures to manage development projected to occur within designated growth areas;
11. prevent inappropriate development in those natural hazard areas within designated growth areas;
12. establish land use policies and ordinances discouraging development within designated rural areas that is incompatible with the preservation of agricultural uses, forest uses, significant water resources, and critical natural resources; and
13. provide. for the coordinated management of the resources and facilities it shares with other municipalities .

B. OTHER IMPLEMENTATION STRATEGY CRITERIA

Use plan must include a timetable that sets forth the dates by which, or time periods during which, the municipality will carry out each of the

implementation strategies. The plan must also identify the entity responsible for carrying out each strategy.

The implementation strategies must be consistent with the State's shoreland zoning law and other State planning, land use, and environmental laws.

The implementation strategies must be realistically feasible, given the municipality's fiscal and administrative capacities. The plan must indicate how the carrying out of the implementation strategies will be dependent on actions or events outside the control or influence of the municipality.

The implementation strategies must incorporate a "capital investment plan" (as referred to in 30-A MRSA §4326, sub-§3, Paragraph B). The capital investment plan must establish a framework for programming and financing those new or expanded public service facilities that are needed to accommodate projected growth and development and that constitute major capital improvements for which the municipality has fiscal responsibility. It must set forth general funding priorities among the needed municipal capital improvements. It must also identify potential funding sources and financing

The plan must, either in its implementation strategies or in a separate "regional coordination program" (as referred to in 30-A MRSA §4326, sub-§4), specify actions the municipality will take to carry out those policies regarding the coordinated management of resources and facilities the municipality shares with other municipalities.

APPENDIX: TYPICAL INVENTORY AND ANALYSIS INFORMATION

To meet the first-stage threshold inventory and analysis criteria contained in Section 3, a plan would typically need to contain and analyze the following information. The listed information items are presented here as illustration of what types of information a plan would generally include to meet those criteria; inclusion of all listed information items is not necessarily required to meet Section 3's criteria.

1. POPULATION

- a. year-round population (municipality and region) - for the last two Census years, the most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)

Note: The State Department of Human Services annually publishes current and future population estimates for all municipalities which can be used to profile the year-round population.

- b. proportional make-up of population by age groups reflecting at least preschool, school, child-bearing, working, and retirement ages (municipality and region) - for the last two Census years, the most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)

Note: The State Department of Human Services annually publishes current and future age distribution estimates for all municipalities, which can be used to profile the population's make-up by age

- c. number of households (municipality and region) - for the last two Census years, the most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)
- d. average household size and/or proportional make-up of households by size (municipality) - for the last two recent Census years, the most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)
- e. median household income (municipality and region) - for the most recent year for which information is available

- f. proportional make-up of households by income (municipality)-for the most recent year for which information is available
- g. peak seasonal population, only if significant (municipality)-for the most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)

2. ECONOMY

- a. size of labor force (municipality and region) - for the most recent Census year and the most recent year for which. information is available (est.)
- b. unemployment rate (municipality and region) - far the most recent Census year and far the most recent year for which information is available
- c. proportional make-up of employed labor force by occupation type (municipality and region) - far the most recent Census year
- d. proportional make-up of employed labor force by industry (municipality and region) - for the most recent year for which information is available
- e. general description of major employers (municipality and region) and major employers gained and lost in the past 10 years
- f. value of taxable retail consumer sales (municipality and region) far the last 5 years for which information is available
- g. proportional make-up of value of taxable retail consumer sales by retail sector (municipality and region) - for the last 5 years for which information is available
- h. proportional make-up of value of taxable retail sales by time of year (municipality) - for the last 5 years far which information is available
- i. proportional make-up of municipality's employed labor force by location of employment (within or outside municipality) - far the most recent year for which information is available
- j. identification of communities where outside employment of municipal residents is principally located - for the most recent year for which information is available

3. HOUSING

- a. number of year-round housing units (municipality and region) - for the last two Census years, the-most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)
- b. vacancy rates of year-round housing units (municipality) - for the most recent year for which information is available (est.)
- c. proportional make-up, of housing units by structure type [single-family, 2-family, multifamily, mobile home] (municipality) - for the last two Census years, the most recent year for which information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)
- d. proportional make-up of occupied housing units by tenure (renter-occupied v. owner-occupied] (municipality) - for the last two Census years, the most recent year for which 'the information is available (est.), and the year 10 years after the anticipated adoption of plan (est.)
- e. proportional make-up of housing units by general physical condition (municipality) - for the most recent year for which the information is available (est.)
- f. proportional make-up of housing units by affordability to very low income, low income, and moderate income households (municipality and region) - far the most recent year for which information is available (est.)

Note: The Office of comprehensive Planning annually publishes current affordable housing rents and sales prices.

- g. number of housing units with subsidized rents or prices, and location and size (number of housing units) of housing developments with subsidized rents or prices (municipality) - for the most recent year for which information is available (est.)
- h. number and general location of seasonal housing units, only if significant (municipality) - far the most recent year for which the information is available (est.)

4. TRANSPORTATION

- a. location and mileage of roadways by maintenance responsibility (State, local, private), classification (major arterial, collector road,

local read), surfacing (paved v. unpaved), and physical condition (good, fair, poor) - for the most recent year for which the information is available

- b. level of service along major arterials (i.e., the relationship of average daily traffic volumes along major arterials to the arterial's traffic-handling capacity) - for the most recent year for which information is available (est.; where available from the Maine Department of Transportation)
- c. general description (service area, time of service, ridership) of public transit facilities and services
- d. location and capacity (number of spaces) of major public parking facilities
- e. general description (location, type) of network of sidewalks and other pedestrian ways
- f. location of airports and general description (usage volume and types, general condition) of airport facilities and service
- g. location of rail lines (existing and abandoned) and railway stations, and general description (usage volumes and types, general condition) of rail facilities and service
- h. location of public ferry terminals and general description (routes, service frequency, usage volumes, general condition) of ferry facilities and service

5. PUBLIC FACILITIES AND SERVICES

- a. Water supply
 - i. source, geographical service area, volume of water consumption, and capacity of public water supply system - for the most recent year for which information is available
 - ii. location, physical condition, and expected life of major public water supply, storage, treatment, and distribution facilities for the most recent year information is available
- b. Sewerage

- i. geographical service area, volume of sewage, and capacity of public sewerage system - for the most recent year information is available
 - ii. location, physical condition, and expected life of major public sewage collection, treatment, disposal, and discharge facilities - for the most recent year information is available
- c. Solid waste
 - i. geographical service area, volume of waste, and capacity of public solid waste disposal system - for the most recent year information is available (est.)
 - ii. location, physical condition, and expected life of major public solid waste transfer, disposal, and recycling facilities - for the most recent year for Which information is available
- d. Stormwater management
 - i. geographical service area and volume of water of stormwater management facilities - for the most recent year information is available
 - ii. location, physical condition, and expected life of major facilities for stormwater collection, storage, and discharge for the most recent year information is available
 - iii. location of identified combined sewer overflows - for the most recent year information is available
- e. Public safety
 - i. location and physical condition of fire, police, emergency, and rescue facilities, and general description of fire, police, and rescue services and staffing - for the most recent year for which information is available
- f. Education
 - i. primary/secondary school system enrollment - for the most recent year information is available and the year 10 years after the anticipated adoption of plan (est.)

- ii. location, capacity, and general physical condition of primary and secondary schools - for the most recent year information is available

g. Health care

- i. location of major health care facilities (hospitals, clinics) serving the municipality, and general description of health care services - for the most recent year information is available in cultural facilities

h. Cultural facilities

- i. location, volume of usage, and general condition of public libraries, museums, art centers, and other major cultural facilities - for the most recent year information is available

i. Municipal facilities and services (other than those included above)

- i. location and physical condition of municipal administrative and public works facilities, and general description of municipal administrative and public works services and staffing - for the most recent year information is available

6. RECREATION

- a. location, use, capacity, condition, and size of major public parks and other major public open space areas, and general description of their major uses and facilities - for the most recent year information is available
- b. location, use, capacity, and condition of major public recreation facilities (indoor and outdoor), and general description of community recreational opportunities they provide - for the most recent year information is available
- c. location of public access points to surface waters, and general description of their major facilities, capacity, and level of use for the most recent year information is available
- d. location of important private open space areas used for public recreation, and general description of their principal uses, level of use, and terms of use (easements, use agreements, open access policies) - for the most recent year information is available

7. MARINE RESOURCES INDUSTRY

- a. location of major shellfishing areas, worming areas, fisheries, and other marine resource areas, and general description of their size, water quality, accessibility, users, and level of production - for the most recent year information is available
- b. location, size, and depth of harbor basins and channels - for the most recent year information is available
- c. location and type of major harbor facilities (wharves, docks, piers, mooring areas, etc.), and general description of their principal uses, capacity, and physical condition - for the most recent year information is available
- d. location of public access points and parking facilities associated with marine resource use, and general description of their principal uses - for the most recent year information is available
- e. location and type of facilities directly associated with other water-dependent uses important to the local economy, and general description of their size and physical condition - for the most recent year information is available

8. WATER RESOURCES

- a. location, area, water quality, State classification, DEP Water Quality Category and phosphorus coefficient, and principal uses of lakes - for the most recent year information is available
- b. location, water quality, State classification, and principal uses of rivers, streams, and estuarine and coastal waters - for the most recent year information is available
- c. boundary and area of the watersheds of lakes and rivers
- d. location and estimated yield of identified sand and gravel aquifers - for the most recent year information is available
- e. location and type of identified point source discharges into rivers and the watersheds of lakes and rivers - for the most recent year information is available
- f. general description of identified and potential sources of non-point discharges into rivers and the watersheds of lakes and rivers - for the most recent year information is available preservation of the quantity and quality of significant water resources

9. CRITICAL NATURAL RESOURCES

- a. general boundaries, size, and importance of identified wetlands, significant wildlife habitats, significant fisheries habitats, significant plant communities, and significant coastal sand dune systems - for the most recent year information is available
- b. boundary, size, importance, and type of Heritage Coastal Areas - for the most recent year information is available
- c. general location, importance, and type of identified unique natural areas - for the most recent year information is available
- d. location and importance of significant scenic areas and scenic views
- e. general description of identified and potential threats to the existence, physical integrity, or quality of the identified critical natural resources
- f. description of existing measures providing protection and preservation of the identified critical natural resources

10. AGRICULTURAL AND FOREST RESOURCES

- a. general description of the location, size range, and principal products of commercial farmlands and forest lands, and their importance to municipal and regional economies.
- b. general description of the location and type of agriculture-dependent and forestry-dependent land uses and facilities
- c. number of farms and acres of farmland participating in the State Farm and Open Space Law taxation program - for the most recent year for which information is available
- d. number of parcels and acres of forest land participating in the State Tree Growth Tax Law program - for the most recent year for which information is available
- e. general description of already identified and potential threats to the existence, physical integrity, or quality of those farmlands and forest lands identified as important
- f. description of existing measures providing protection and preservation of important farmlands and forest lands

11. HISTORIC AND ARCHEOLOGICAL RESOURCES

- a. brief description of historic settlement patterns and events contributing to the history, development, and character of the municipality and its surroundings
- b. location and type of already identified historic and archeological resources, and general description of their character, significance, and condition - for the most recent year for which information is available
- c. general description of already identified and potential threats to the existence, physical integrity, or quality of the identified historic and archeological resources
- d. description of existing measures providing protection and preservation of the identified historic and archeological resources

12. LAND USE

- a. location and general amount of land devoted to various existing land uses, by land use classifications (such as residential, commercial, institutional, industrial, agricultural, forestry, extractive, park/recreational, and undeveloped) - far the most recent year for which information is available
- b. general description of changes in the amount or location of land generally devoted to the identified land use classifications over the past 10 years
- c. location and general amount of land physically unsuitable for development (such as land with soil types unsuitable for development and land posing a hazard to development - floodplains, steep slopes, areas of high erosion) - far the. most recent year for which information is available

13. FISCAL CAPACITY

- a. total value of municipal tax base - for the most recent year for which information is available
- b. general description of sources of municipal revenue - for the most recent year far which information is available

- c. amount of annual recurring municipal revenues, by major revenue source - for the last 5 years
- d. amount of annual recurring municipal expenditures, by major purpose - for the last 5 years
- e. amount of debt by type of debt, and legal debt limit - for the most recent year for which information is available

AUTHORITY: 30-A M.R.S.A. §4341, sub-§5

EFFECTIVE DATE: July 7, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 22, 1996